REMARKS

Claims 20-28, 32, 33, 36, 37, and 39 are pending. Claims 20 and 33 have been amended to even more particularly describe the recited subject matter. Specifically, the claims have been amended to recite that the claimed formulations allow at least a two-fold reduction in dosing frequency, an increase in patient compliance, or an increase in therapeutic performance, as compared to a conventional dosage form. The amendment is supported by the application as-filed, for example, at page 5, line 29-page 6, line 4. Claim 36 has been amended to correct claim dependency and to reflect that the 5% (w/w) limitation is by weight of the tablet. Reconsideration and withdrawal of the pending Final Rejection under MPEP 706.07(e) is earnestly solicited.

The claims stand rejected under 35 U.S.C. § 103 as allegedly obvious over Ricky (U.S. 5,792,477), Shimizu (U.S. 5,824,339) and Curatolo (U.S. 5,605,889). The Applicants disagree.

The present invention is directed to hydrophilic, controlled-release tablet formulations for oral ingestion. These tablets comprise, among other things, pregelatinized starch, 9-hydroxyrisperidone, a pharmaceutically acceptable acid addition salt thereof, an N-oxide form thereof, or a stereochemically isomeric form thereof as active ingredient, and one or more viscous hydrophilic polymers. Importantly, the formulation of these tablets is such that the active ingredient is released *in vivo* in a controlled fashion, preventing dose-dumping, allowing at least a two-fold reduction in dosing frequency, an increase in patient compliance, or an increase in therapeutic performance, as compared to a conventional dosage form. The claimed invention is neither described nor suggested in the prior art.

In response to the Applicants' previously filed response, the Office alleges that Rickey describes an oral solid tablet comprising the active agents and polymer of the present claims. This is an incorrect characterization of Rickey. Nowhere in Rickey is an oral formulation described. Rather, Rickey describes the preparation of microparticles for *injection*: "whereby administration of the microparticles to a patient can be carried out with a *standard gauge needle*. Preferably, the drug-loaded microparticles are dispensed to patients in a single administration, releasing the drug in a constant or pulsed manner into the patient

and eliminating the need for repetitive *injections*. . . . Prior to administration to a patient, the dry microparticles can be suspended in an acceptable pharmaceutical liquid vehicle, . . whereupon the suspension is *injection into the body*." Rickey at col. 17, lines 37-54 (emphasis added).

Curatolo describes formulations of azithromycin that exhibit substantially no adverse food effect. Curatolo at col. 2, lines 35-38. Curatolo describes that those formulations do not exhibit a food effect because "they either provide azithromycin ready for dissolution in the GI tract essentially immediately following ingestion (suspensions), or they disintegrate rapidly following ingestion (tablets) and thereby provide azithromycin rapidly for dissolution." *Id.* at col. 5, lines 6-20. Such is an example of the "dose-dumping" the present invention's controlled release formulation avoids.

As the Applicants have previously described, Shimazu is directed to the preparation of compositions that effervesce when dispersed in water. The resulting solution, not the composition alone, *i.e.*, not the tablet, is then ingested. *See* Shimazu Abstract. 9-Hydroxyrisperidone is not included within the list of useful active substances. Shimazu at col. 5, lines 10-58. Moreover, Shimazu only describes "pregelatinized starch" as a binder *potentially* useful for "increas[ing] the strength of the core-shell powders" (Shimazu at col. 6, lines 36-46) and as *potentially* useful as a core component (*Id.* at col.4 , line 17). Pregelatinized starch is noticeably absent from any of the working examples.

The cited art, either alone, or in any acceptable combination, fails to teach or suggest every limitation of the claimed invention. A *prima facie* case of obviousness has not been established. Withdrawal of the rejection is respectfully requested.

The Applicants assert that claims 20-28, 32, 33, 36, 37, and 39 are in condition for allowance. An early Notice to that effect is respectfully solicited.

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